

**IN THE UNITED STATES DISTRICT COURT FOR
THE MIDDLE DISTRICT OF TENNESSEE
AT NASHVILLE**

**JOHN DOE 1, by and through his parent
and next friend PARENT OF JOHN DOE 1;
JOHN DOE 2, by and through his parent
and next friend PARENT OF JOHN DOE 2;
and JANE DOE 1, by and through her
parent and next friend PARENT OF JANE
DOE 1; on their own behalf and on behalf
of all those similarly situated, and**

**DISABILITY RIGHTS TENNESSEE, in
its organizational and representative
capacity, on behalf of and in conjunction
with Plaintiffs John Doe 1, John Doe 2, and
Jane Doe 1,**

Plaintiffs,

v.

**The STATE OF TENNESSEE, The
TENNESSEE DEPARTMENT OF
CHILDREN’S SERVICES; MARGIE
QUIN, in her official capacity as
Commissioner of the Tennessee
Department of Children’s Services; and**

**LIZZETTE GONZALEZ REYNOLDS, in
her official capacity as Commissioner of the
Tennessee Department of Education,**

Defendants.

No. 3:24-cv-00777

Chief Judge Waverly D. Crenshaw, Jr.

Magistrate Judge Barbara D. Holmes

MOTION TO DISMISS OF DEFENDANT LIZZETTE REYNOLDS

Defendant Lizette Reynolds, Commissioner of the Tennessee Department of Education, moves to dismiss the sole claim against her and to dismiss her as a party, due to lack of subject-matter

jurisdiction and failure to state a claim upon which relief can be granted. Fed. R. Civ. P. 12(b)(1), (6). Plaintiffs sue Commissioner Reynolds in her official capacity, claiming a violation of procedural due process. As set out in the accompanying memorandum of law, which is incorporated herein by reference, this Court lacks subject-matter jurisdiction because Plaintiffs lack standing to sue Commissioner Reynolds and because Commissioner Reynolds is entitled to sovereign immunity. Furthermore, Plaintiffs fail to state a claim against Commissioner Reynolds for violation of procedural due process.

Respectfully submitted,

JONATHAN SKRMETTI
Attorney General and Reporter

s/ Miranda Jones
MIRANDA JONES (#36070)
Senior Assistant Attorney General
DAVID WICKENHEISER (# 40427)
Law Enforcement and
Special Prosecutions Division
P.O. Box 20207
Nashville, Tennessee 37202-0207
Off. (615) 521-0417
Fax (615) 532-3926
Miranda.Jones@ag.tn.gov
Counsel for Defendant Reynolds

CERTIFICATE OF SERVICE

I hereby certify that a true and exact copy of the foregoing was filed and served by operation of the Court's ECF/PACER system on this the 17th day of October 2024, upon:

SANFORD HEISLER SHARP, LLP

Jonathan Tepe (TN BPR 037266)
Kevin Sharp (TN BPR 016287)
Kasi Wautlet (TN BPR 038688)
611 Commerce Street, Suite 3100
Nashville, TN 37203
jtepe@sanfordheisler.com
ksharp@sanfordheisler.com
kwautlet@sanfordheisler.com

David Tracey*
17 State Street, 37th Floor
New York, NY 10004
dtracey@sanfordheisler.com

Shannon Henris*
700 Pennsylvania Avenue SE, Suite 300
Washington, DC 20003
shenris@sanfordheisler.com

DISABILITY RIGHTS TENNESSEE

Jack Derryberry, Jr. (TN BPR 003870)
2 International Plaza, Suite 825
Nashville, TN 37217
jackd@disabilityrightstn.org

Jeremiah Jones (TN BPR 040551)
9050 Executive Park Drive, Suite B-101
Knoxville, TN 37923
jeremiahj@disabilityrightstn.org

YOUTH LAW CENTER

Jasmine Miller (TN BPR 039598)
Emily Satifka*
832 Folsom Street, Suite 700
San Francisco, CA 94107
jmiller@ylc.org
esatifka@ylc.org

Counsel for Plaintiffs

**Admitted Pro Hac Vice*

s/ *Miranda Jones*

MIRANDA JONES

Senior Assistant Attorney General